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TRADE AND DEVELOPMENT BOARD
Special Committee on Preferences

GENERALIZED SYSTEM OF PREFERENCES

Rules of origin

Note by the UNCTAD secretariat

This document contains relevant extracts from a communication received from the Permanent Mission of the Czech and Slovak Federal Republic:

"... and has the honour to inform that, on 16 January 1992, the Slovak Chamber of Commerce and Industry was set up for the purpose of promoting the process of transformation of the Slovak economy, enhancing international cooperation and generating a perfect information flow between the Slovak business and entrepreneurial circles and those active in foreign countries.

"One of its functions and responsibilities is to issue certificates concerning facts important in legal relations arising in international trade, including certificates of origin in order, inter alia, to make use of the generalized system of preferences (GSP).

"In view of this please find enclosed the signatures and stamps of the officials authorized to sign documents and certificates on behalf of the Slovak Chamber of Commerce and Industry and to issue the certificates of origin which are being furnished for goods exported under the generalized system of preferences. 1/

"The Mission has the pleasure to enclose herewith an English copy of the text of the Act of the Slovak National Council of December 3rd, 1991, No.9/1992 of the Coll. which determines the establishment, position, authority and range of activities of the Chambers of Commerce and Industry in the territory of the Slovak Republic. 2/

"The Mission would be grateful if this communication could be circulated for the information of all member States.".

1/ See annex I.

2/ See annex II.

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SLOVENSKÁ OBCHODNÁ A PRIEMYSELNÁ KOMORA — SLOWAKISCHE HANDELS- UND INDUSTRIEKAMMER

SLOVENSKÁ OBCHODNÁ A PRIEMYSELNÁ KOMORA — CÂMARA DE COMERCIO E INDUSTRIA SLOVACA

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DATE 12. V. 1992

Act of The Slovak National Council on Chambers of Commerce and Industry of December 3rd, 1991 No. 9/1992 of the Coll.

The Slovak National Council has passed the following Act:

CHAPTER ONE

Introductory Provisions

Article 1

The purpose of this Act is to determine the establishment, position, authority and range of activities of the Chambers of Commerce and Industry as of public legal establishments.

Article 2

1. The Slovak Chamber of Commerce and Industry with its place of business in Bratislava (Further only "the Chamber") is being established.

2. The Chamber implements activities supporting and protecting enterprising of its members both inland and abroad.

3. The Chamber establishes the Regional Chambers for specific territorial parts of the Slovak Republic, as a rule one such a chamber for several districts, in case more than two thirds of the Chamber members within the respective territory requests this. The activities of the Regional Chambers are controlled by provisions of this Act, if not provided for differently further on.

4. The Chamber is a legal entity.

Article 3

1. The members of the Chamber are legal entities and natural persons incorporated in the Company Register, further those perform-

ing entrepreneurial activities in any branch of economy whatsoever, with the only exception of agriculture and food processing industries.

2. Entities and persons mentioned in paragraph 1 are becoming members of the Chamber from the day on which this Act becomes effective. After this date the membership arises from the date of incorporation in the Commercial Register.

3. Other legal entities or natural persons, even if not stated in paragraph 1, can become members of the Chamber, too. The membership in the Chamber arises starting from the date when the member was admitted on the basis of an application for admission.

4. The details concerning admission for membership and cessation of membership will be determined by the Articles of Association of the Chamber.

Article 4

1. The activities of the Chamber are financed from membership fees, from its own revenues from its services, and as the case may be, from subsidies from international funds and organizations.

2. The General Assembly will determine the type of fees, their maturity and the amount of membership fees, and if need be also the method of their calculation.

CHAPTER TWO

SCOPE OF ACTIVITIES OF THE CHAMBER

Article 5

1. The Chamber represents and coordinates common interests of its members in entrepreneurial matters and enterprising activities, both inland and abroad, rendering them services and fulfilling other tasks in accordance with this Act.

2. The Chamber performs especially the following activities within the framework of its responsibilities:

a) participates in preparation of generally binding legal regulations and provisions in the field of enterprising,

b) cooperates in coordination and implementation of economic relations of the Slovak Republic with countries abroad,

c) helps to harmonize interests of its members in the field of entrepreneurial activities and protects them against dishonest business relations,

d) establishes contacts with Chambers and similar institutions, both inland and abroad, and develops these contacts, enters into agreements with them, it organizes economic and trade missions and delegations,

e) gathers and propagates knowledge and information on conditions of trade policy, on legal conditions, conditions concerning customs regulations, ecological and economic conditions in countries abroad, for this purpose it publishes specialized publications,

f) ensures promotion of its members, both inland and abroad, as well as their participation in exhibitions and fairs,

g) issues to its members certificates concerning facts important in legal relations arising in international trade,

h) organizes conciliatory (and arbitration) proceedings among or between its members in trade disputes or commercial causes,

ch) performs the function of the inquiry and mediation centre for searching the business partners both inland and abroad,

i) provides consulting and consultation services to its members in all aspects concerning the enterprising in the economic sphere,

j) organizes educational activities,

k) establishes and administers facilities and institutions supporting development of enterprising and education in this sphere,

l) performs its own business activities, in order to support the proper performance of its own tasks, in accordance with its mission and purpose,

m) propagates ecologically suitable forms of production, of products and of business activities.

3. In accordance with this Act the Chamber operates within the whole territory of the Slovak Republic.

4. The Regional Chambers, after their establishment, will take over from the Chamber certain activities, the excent of which will be determined by their mutual agreement. The Regional Chambers implement their activities with regard to the members of the given Chamber having their place of business or place of residence on the territory for which these Chambers were established.

Article 6

Cooperation with State Authorities

1. The Chamber and the corresponding State authorities cooperate mutually in fulfilling their tasks within the extent and under conditions stipulated by this Act and some other generally binding legal regulations and provisions, namely:

a) provide each other mutually necessary information,
b) the State authorities enable the Chamber to participate actively in programmed planning and implementation of the economic and social policy concerning the fields of operation of the Chamber, inviting the Chamber to participate primarily in preparatory work connected with concepts of development and with economic tools, generally binding legal regulations and provisions, organizational adjustments and measures connected with their implementation, requesting the Chamber's expert opinions to these issues, and they appoint representatives of the Chamber into their advisory bodies,
c) the State authorities are authorized to send their representatives to sessions of the Chamber.

2. The provisions of paragraph 1, letter a), do not interfere with regulations concerning protection of the top secret issues.[1])

Article 7

Cooperation with Civil Associations and Entrepreneurial Associations

The relations of the Chamber to civil associations and to entrepreneurial associations[2]) that are active outside the Chamber will be defined by their mutual agreements.

CHAPTER THREE

SELF-ADMINISTRATION AND INTERNAL ORGANIZATION OF THE CHAMBER

Article 8

Bodies of the Chamber

1. The activities of the Chamber are managed and controlled by its elective bodies.

2. The elective bodies of the Chamber are the following ones:

a) General Assembly,
b) Board of Directors,
c) President,
d) Supervisory Board.

Article 9

General Assembly

1. The General Assembly is the supreme body of the Chamber. It consists of deputies of members of the Chamber, and is elected in accordance with the Election Ordinance of the Chamber.

2. The General Assembly is especially authorized to:

a) approve the Articles of Association, the Election Ordinance and the Rules of Procedure of the Chamber, their alternations and amendments,
b) determine the main tasks of the Chamber,
c) elect and revoke the President, the Vice-Presidents, the General Secretary of the Chamber, and other members of the Board of Directors and of the Supervisory Board,
d) approve the budget of the Chamber, the annual statements financial accounts final and reports of the Board of Directors and of the Supervisory Board on activities and on economy and management of the Chamber,
e) decide on issues concerning payments of membership fees.

Article 10

Board of Directors

1. The Board of Directors is the supreme body of the Chamber in the periods between sessions of the General Assembly.

2. Members of the Board are the President, the Vice-Presidents, the General Secretary of the Chamber, Presidents of the Regional Chambers, and other members elected by the General Assembly.

3. The Board of Directors decides on all matters that are not entrusted to some other body of the Chamber by the hitherto Act, by the Articles of Association or by Resolutions of the General Assembly.

4. The Board of Directors implements specifically namely the following activities:

a) prepares documents for sessions of the General Assembly and ensures implementation of its decisions,
b) decides on admission into membership or cancellation of the membership, in case the membership is a voluntary one,
c) establishes the Regional Chambers.

5. The Board of Directors is convoked by the President of the Chamber at least three times per year.

6. The Board of Directors may establish an executive body to fulfill its tasks, consisting of the President, the Vice-Presidents and the General Secretary of the Chamber. Its scope of activities will be determined by the Articles of Association.

Article 11

President

The President is the head of the Chamber and of the Board of Directors, the President supervises the activities of the Chamber's Office and performs other activities that will be determined to him/her by the Articles of Association, Resolutions of the General Assembly or by the Board of Directors.

Article 12

Supervisory Board

1. The Supervisory Board is the control and inspection body of the Chamber. Being a member of the Supervisory Board is incompatible with being a member of the Board of Directors of the Chamber. The employee of the Chamber cannot become a member of the Supervisory Board.

2. The Supervisory Board controls the activities of the Chamber within the excent determined by the Articles of Association or in accordance with commissions to which it is authorized by the General Assembly. The Supervisory Board is answerable for its activities to the General Assembly. It can use services of auditors within the framework of its inspection and control activities.[3])

Article 13

General Provisions Concerning Bodies of the Chamber

1. The functional period of the elective bodies of the Chamber does not exceed five years. The number of members of the bodies of the Chamber is determined by the Articles of Association of the Chamber.

2. The methods of elections, including the proportional representation of members in the bodies of the Chamber, in accordance with their place of residence or business and the field of their entrepreneurial activities, as well as details concerning the elections and sessions and negotiations of the bodies of the Chamber will be specified by the Election Ordinance of the Chamber and Rules of Procedure of the Chamber.

3. Functions in the bodies of the Chamber are honorary functions, with the exception of the function of the General Secretary of the Chamber, as well as the function of one of the Vice-Presidents, in case the General Assembly decides so. No rights concerning reimbursements of efficiently spent expenses connected with the discharge of the functions are affected thereby.

4. The statutory bodies of the Chamber are the President, the Vice-Presidents and the General Secretary of the Chamber.

5. The activities of the General Assembly of the delegates in Regional Chambers are implemented by the General Assembly consisting of all their members.

CHAPTER FOUR

INTERNAL STRUCTURE OF THE CHAMBER

Article 14

1. The branch sections or associations, specialized professional committees or groups may be active within the framework of the Chamber, accordingly with their professional interests. Their position, range of activities, mutual relations and relations with bodies of the Chamber will be specified in more details in the Articles of Association.

2. The Chamber may establish subsidiaries and offices for the purpose of fulfilling its tasks, and in the interest of making its members more familiar and acquainted with its activities.

Article 15

1. The execution of all operative, financial and current matters within the range of activities and tasks of the Chamber is implemented by the Office of the Chamber.

2. Office of the Chamber namely:

a) performs administrative work and ensures current operation of the Chamber,
b) prepares basic materials for negotiations of bodies of the Chamber,
c) keeps records of members of the Chamber,
d) issues certificates concerning significant legal facts in the form of public deeds, instruments and records,
e) performs other types of agenda of the management administration.

3. The General Secretary of the Chamber is the head of the Office of the Chamber and he manages and controls its activities and is

responsible for its economic management, the General Secretary is an employee of the Chamber. The Regional Chamber is headed by a Director.

CHAPTER FIVE

COURT OF ARBITRATION

Article 16

1. The Chamber has the right to establish the Court of Arbitration, as a permanent independent body for settling of disputes concerning property claims by independent arbitrators in accordance with the arbitration proceedings concerning international trade and business relations.

2. The disputes presented to the Court of Arbitration are governed by standards of the applicable substantive law, and within the framework thereof furthermore by the contract concluded between the parties taking into consideration the international business customs and trading practices.

3. The organizational structure, authority and appurtenance of the Court of Arbitration and other requirements will be specified in the Arbitration Order of the Court of Arbitration.

4. The Arbitration Order of the Court of Arbitration is approved by the General Assembly, taking into consideration the principles of the International Chamber of Commerce, customs and international practices.

CHAPTER SIX

TEMPORARY AND FINAL PROVISIONS

Article 17

1. The Government of the Slovak Republic will appoint the Temporary Committee of the Chamber from representatives of the Slovak Republic, who are members of the Board of Directors of the

Czecho-Slovak Chamber of Commerce and Industry, and that within 30 days from the day on which this Act becomes effective.

2. The Temporary Committee of the Chamber established in accordance with paragraph 1 will ensure elections to the General Assembly of delegates within the period of six months from the date on which this Act becomes effective.

3. The General Assembly will approve the Articles of Association, the Election Ordinance and the Rules of Procedure, Management Principles, and the budget of the Chamber on its first session.

4. The Temporary Committee of the Chamber will ensure the correct settlement and the succession of rights and obligations from the Czecho-Slovak Chamber of Commerce and Industry to the Chamber within the period of five months from the date on which this Act comes into force.

Article 18

The Act becomes effective on the day of its promulgation.

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[1]) The Act No. 102/1971 of the Coll. — On Protection of Top Secret Issues as worded by regulations and provisions issued later on.

[2]) Section 2, paragraph 1 of the Act No. 83/1990 of the Coll. — On Association of Citizens, as worded by the Act No. 300/1990 of the Coll.

[3]) For example the Decree of the Federal Ministry of Finance No. 63/1989 of the Coll. — On Verifiers (Auditors) and Their Activities.